

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(307)

CRM-M-31178-2022-
Date of Decision:- 06.12.2022

Anish Narula and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Amit Arora, Advocate for the petitioners.

Mr. Jashanpreet Singh, DAG, Punjab
for State-respondent No.1.

Mr. Jagjeet Singh, Advocate
for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 21.07.2022, this Court passed the following order:-

“Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.0127 dated 04.07.2021, registered for offences under Sections 498-A and 406 of the Indian Penal Code, 1860, at Police Station Goindwal Sahib, District Tarn Taran, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 21.10.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 and 3 are the parents-in-law of complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with complainant-respondent No.2 in the year 2008 and FIR, Annexure P-1, is an outcome of a trivial matrimonial dispute, which has been settled by way of compromise, Annexure P-2. He submits that the parties are living together under one roof.

Notice of motion.

On asking of the Court, Mr. A.S.Gill, Senior DAG, Punjab accepts notice of behalf of State-respondent No.1. Upon instructions received from ASI, Surjeet Singh, he submits that the matter is under investigation.

Mr. Jagjeet Singh, Advocate has put in appearance and accepts notice on behalf of complainant-respondent No.2. He has filed Power of Attorney, which is taken on record. He has admitted the factum of compromise and does not dispute the statement made by the counsel for the petitioner.

The parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 20.09.2022 or on any date thereafter as fixed by the trial Court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties;*
- 5. whether any other criminal case is pending against the accused.*

Report of the Area Magistrate/Trial Court be awaited for 06.12.2022. ”

Report has been received pursuant to the above reproduced order and its relevant extract is as under:-

“i) That there are three accused arrayed in the FIR and all of them have appeared in the present case and have recorded their statements and further no accused is absconding/PO in the case.

ii) That in this case complainant in Bandana Rani wife of Anish Narula and she has appeared and got recorded her statement.

iii) That in this case challan has yet to be presented before Hon'ble Court.

iv) That the compromise drawn amongst the parties concerned, covers all the concerned in the penal transaction concerned and the same is genuine,

voluntarily, without any coercion or undue influence with their free will.

v) That there is no any other criminal proceedings pending against the accused persons.”

Considering the fact that the matrimonial dispute has been amicably settled and petitioner No.1 and complainant-respondent No.2 are residing together under one roof, this Court is of the view that keeping the criminal proceedings alive would be a futile exercise.

Keeping in view the above developments, report of the Trial Court and the judgment of Supreme Court in ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court has no hesitation in quashing the criminal proceedings.

Accordingly, the petition is allowed. FIR No.0127 dated 04.07.2021, registered for offences under Sections 498-A and 406 of the Indian Penal Code, 1860, at Police Station Goindwal Sahib, District Tarn Taran, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

06.12.2022

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No